



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

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Brooklyn, New York 11201*

May 31, 2023

BY ECF

The Honorable Frederic Block
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *United States of America v. Second A-One, Inc., et al.*,
No. 23-cv-476 (Block, J.) (Bulsara, M.J.) (E.D.N.Y.)

Dear Judge Block:

This Office represents the United States of America in the above-referenced action brought pursuant to Sections 104(e) and 106(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (“CERCLA”), 42 U.S.C. §§ 9604(e) and 9606(a), seeking access to buildings and properties at the Wolff-Alport Superfund Site in Queens, New York, on behalf of the United States Environmental Protection Agency (“EPA”). Pursuant to the Court’s May 25, 2023 order, the United States submits this status report regarding service of the Summons and Amended Complaint on defendants.

By way of background, on May 5, 2023, the United States informed the Court that it had recently learned that there may be residents living in one or more of the apartments located in the building at 1125 Irving Avenue, located at the Wolff-Alport Site. *See* ECF Dkt. 36. The United States further informed the Court about this development at the hearing on May 10, 2023. *See* ECF Minute Order (May 10, 2023). As discussed in the letter and during the hearing, the United States has identified one resident living in the building, Nickolas Sourelos, but has not been able to confirm the identities of the remaining residents. *See* ECF Dkt. 36; ECF Minute Order (May 10, 2023).

On May 24, 2023, the United States sought leave to file an Amended Complaint, which added those residents, Nickolas Sourelos and John/Jane Doe’s #1-10, as defendants. *See* ECF Dkt. 41. On May 25, 2023, the Court granted the United States’ application and ordered this Office “to serve and file an amended complaint ... [b]y May 31, 2023.” *See* ECF Order (May 25, 2023). On May 25, 2023, the United States filed the Amended Complaint, and the Court issued a signed and sealed Summons. *See* ECF Dkts. 42, 43.

On May 25, 2023, the undersigned Assistant United States Attorney e-mailed copies of those documents to all the identified defendants, including Nickolas Sourelos. On May 30 and 31, 2023, this Office served, via process server, a copy of the signed and sealed Summons and

Amended Complaint on Defendants Second A-One, Inc., Isack David Weisz, La Jarabacoa Deli and Grocery Corp., Primo Flat Fix Inc., 1127-1129 Irving Avenue LLC, Hermenegildo Silvio Hernandez, Primo Flat Fix Inc. d/b/a Los Primos Auto Repair and Sale, Terra Nova Restoration Corp., Andyber Auto Repair Inc., K&M Auto Inc., and Andy Bermeo.

The process servers have made multiple attempts to serve the remaining defendants, which are Rudy L. Reyes, Nickolas Sourelos, and John/Jane Doe's #1-10, but have been unable to perfect service. With respect to Nickolas Sourelos and John/Jane Doe's, who are residents living in the apartments at 1125 Irving Avenue, the process server attempted to locate individuals living in those units, but was unable to find any persons at the premises. A process server also attempted to serve Nickolas Sourelos at an alternative address that was obtained for him, but was informed by the tenants at that location that he did not reside or in any way occupy those premises. On May 31, 2023, the process server has obtained a new alternative address for Nickolas Sourelos, and will attempt service on him at this new address tomorrow. In addition, the process servers intend to serve the unknown residents by affixing a copy of the Summons and Amended Complaint to their doors, but first intend to make additional attempts to complete service on a person residing at those premises.

Accordingly, the process servers have informed this Office that they are unable to finalize the affidavit of service at this time. This Office will continue to make efforts to serve the remaining defendants this week, and intends to file the affidavits of service by June 5, 2023, upon their completion.

Thank you for Your Honor's consideration of this matter.

Respectfully submitted,

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